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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4509 of 2007

Date of decision: 6.9.2007

M/s Daulat Ram Bihari Lal and another

...Petitioners

Versus

Tara Chand **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Kulbhushan Sharma, Advocate for the petitioner.

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RAJESH BINDAL, J.

Challenge in the present petition, filed under Article 227 of the Constitution of India, is to the order dated August 18, 2007 passed by the Rent Controller, Rewari whereby the application for leading additional evidence was dismissed.

Heard learned counsel for the petitioners and perused the impugned order.

Keeping in view the facts and circumstances of the case, in my opinion, order dated August 18, 2007 passed by the Rent Controller, Rewari is quite justified. In Rent Petition, the landlord completed his evidence on September 2, 2000 within 1-1/2 years of institution of the petition. Ever since then the tenant is in the process of leading evidence. After the closure of oral evidence by the tenant, an application for leading additional evidence was moved. Prayer made in the application was that two witnesses are required to produced to prove that there is a telephone number installed in the premises since 1986, which will prove that there was no subletting and secondly the copies of Bahi Khata of the firm are also required to be proved. It was stated in the application that due to inadvertence, this

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evidence could not be led at the appropriate time. One of the ground raised for seeking eviction of the tenant was subletting and in case tenant could not lead complete evidence within almost seven years period, he cannot be permitted to move application for leading additional evidence, especially to prove certain facts/documents, which are already in his possession and are well known to him.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

September 06, 2007 **(Rajesh Bindal)**
Pka **Judge**